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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ROMEO & JULIETTE LASER HAIR REMOVAL, INC.,
d/b/a ROMEO & JULIETTE HAIR REMOVAL,

Plaintiff,

08 Civ. 0442 (TPG)

-against-

NOTICE OF MOTION

ECF CASE

ASSARA I LLC., d/b/a ASSARA LASER CENTER NYC,
ASSARA LASER and MANHATTAN LASER HAIR
REMOVAL, JAY SHUMAN a/k/a JEROME SHUMAN,
WILL SHUMAN and DR. SAM TAYER,

Defendants.
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PLEASE TAKE NOTICE that, upon the Complaint herein, the accompanying Rule 56.1 Statement of Plaintiff Romeo & Juliette Laser Hair Removal, Inc., d/b/a Romeo & Juliette Hair Removal ("Romeo & Juliette"), the Affirmation of David K. Fiveson, dated June 4, 2008, the Affidavit of Christian Karavolas, sworn to on June 4, 2008, together with the exhibits thereto, the accompanying memorandum of law, and all prior pleadings and proceedings herein, Romeo & Juliette will move this Court, before the Honorable Thomas P. Griesa, at the United States Courthouse, 500 Pearl Street, New York, New York, on July 1, 2008 at 10:00 a.m., or as soon thereafter as counsel may be heard, for an Order, pursuant to Rule 56 of the Federal Rules

of Civil Procedure, (i) granting partial summary judgment in favor of Plaintiff and against Defendants Assara I LLC., d/b/a Assara Laser Center NYC, Assara Laser and Manhattan Laser Hair Removal ("Assara"), Jay Shuman a/k/a Jerome Shuman, Will Shuman and Dr. Sam Tayer (collectively with Assara, the "Assara Defendants") on the issue of liability on each Count in the Complaint, (ii) ordering a schedule to conduct discovery on the issue of damages, and (iii) awarding Romeo & Juliette a permanent injunction prohibiting any of the Assara Defendants, their agents or employees, or any organization owned, operated or affiliated with any of the Assara Defendants, from referring in their advertising and on their websites to Romeo & Juliette's trade name, anything similar to or incorporating any part of Romeo & Juliette's trade name, or any Romeo & Juliette trademark used by Plaintiff on its website to market its services to the consumer public.

PLEASE TAKE FURTHER NOTICE that pursuant to Rule 6.1(b) of the Local Civil Rules of this Court, answering papers shall be served on the undersigned on or before June 18, 2008.

Dated: New York, New York
June 4, 2008

BUTLER, FITZGERALD, FIVESON
& McCARTHY
A Professional Corporation

By: 

David K. Fiveson, Esq. (DF 2936)
David J. McCarthy, Esq. (DM 7910)
36 West 44th Street, Suite 816
New York, New York 10036
(212) 615-2200

Attorneys for Plaintiffs
Romeo & Juliette Laser Hair Removal,
Inc., d/b/a Romeo & Juliette Hair Removal

TO: Will Shuman, Esq. (individually and as attorney for all defendants)
235 West 48th Street
Apartment 29D
New York, New York 10036
will@assaralaser.com (e-mail)

Jay Shuman a/k/a Jerome Shuman
235 West 48th Street
Apartment 29D
New York, New York 10036

Assara I LLC
235 West 48th Street
Apartment 29D
New York, New York 10036

Assara I LLC
7 West 51st Street, 2d Floor
New York, New York 10019

Dr. Sam Tayer
Assara Laser
7 West 51st Street, 2d Floor
New York, New York 10019

[illegible]

JOEL JEAN, being duly sworn, deposes and says: that deponent is not a party to the action, is over 18 years of age, resides at 36 West 44th Street, Suite 816, New York, New York 10036, and that on the 4th day of June, 2008 deponent served the within **NOTICE OF MOTION** upon:

Will Shuman, Esq. (individually and
as attorney for all defendants)
235 West 48th Street
Apartment 29D
New York, New York 10036
will@assaralaser.com (e-mail)

Jay Shuman a/k/a Jerome Shuman
235 West 48th Street
Apartment 29D
New York, New York 10036

Assara I LLC
235 West 48th Street
Apartment 29D
New York, New York 10036

by leaving the document in sealed envelopes, separately addressed to each of the persons referenced above, and leaving those envelopes with a security guard at that building who was told in my presence by someone at the aforementioned address that he should accept service on behalf of those persons (the security guard who was told to accept service is approximately 45 years old with olive skin, black hair, brown eyes, approximately 6 feet 3 inches tall, and wears glasses).

On that same date, I also served the document upon:

Assara I LLC
7 West 51st Street, 2d Floor
New York, New York 10019

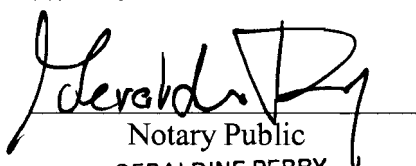
Dr. Sam Tayer
7 West 51st Street, 2d Floor
New York, New York 10019

by leaving the document in sealed envelopes, separately addressed to each of the persons referenced immediately above, and leaving those envelopes with a man at that address who

identified himself as Mark Bakker and who said he was the executive manager of Assara LLC and was authorized to accept service on behalf of Assara I LLC and Dr. Sam Tayer.


JOEL JEAN

Sworn to before me this
5th day of June, 2008


Notary Public

GERALDINE PERRY
Notary Public, State of New York
No. 01PE487-9187
Qualified in NY County
Commission Expires Dec. 1, 19

Dec 1, 2010